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Signed and Filed: January 29, 2009

A handwritten signature in dark ink, appearing to read "T. E. Carlson", is written over a horizontal line.

THOMAS E. CARLSON
U.S. Bankruptcy Judge

Attorneys for David and Jacqueline Fenton,
Jacqueline Jackson, individually and as
Trustee of the Jacqueline Trust Dated
October 19, 1989 and the Robert S. Jackson
Trust Dated December 13, 1986

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re
ALLIANCE FINANCIAL CAPITAL, INC.,

Debtor.

Case No. 08-30575 TC
Chapter 7

ORDER GRANTING MOTION FOR
TURNOVER OF FUNDS PURSUANT TO
11 U.S.C. § 725

Date: December 19, 2008

Time: 9:30 a.m.

Ctrm: 23

U.S. Bankruptcy Court
235 Pine Street
San Francisco, California

The Court having considered the Motion for Turnover of Funds Pursuant to 11 U.S.C. § 725 ("Motion for Turnover") filed by David and Jacqueline Fenton (the "Fenton Parties") and Jacqueline Jackson, individually and as Trustee of the Jacqueline Jackson Trust Dated October 19, 1989 and Robert S. Jackson Trust Dated December 13, 1986 (the "Jackson Party"), the opposition to the Motion for Turnover filed by Jennifer M. Moore ("Moore"), individually and as the sole shareholder and sole director of Alliance Financial Capital, Inc. ("AFCI") and Alliance Financial Capital Holdings, Inc. ("AFCH") ("Opposition"), and good cause appearing therefor;

1 **IT IS HEREBY ORDERED** that pursuant to the reasons stated on the record and the Statement
2 of Decision entered in this case, the Motion for Turnover is granted.

3 **IT IS FURTHER ORDERED** that within eleven (11) days from the date of entry of this order,
4 the Chapter 7 Trustee, E. Lynn Schoenmann ("Trustee") shall deliver all funds currently held by the
5 Trustee (less \$75,000 to be retained by the Trustee to be paid pursuant to 11 U.S.C. § 506(c) and less
6 \$26,833.25 to be held by the Trustee pending the resolution of the Motion to Authorize and Direct
7 Chapter 7 Trustee to Release \$26,833.25 of Funds to Burke Environmental LLC) ("Burke Motion"))
8 to the Fenton and Jackson Parties in care of Chris D. Kuhner of Kornfield, Nyberg, Bendes & Kuhner,
9 P.C., 1999 Harrison Street, Suite 2675, Oakland, California. The check shall be made payable to the
10 Kornfield, Nyberg, Bendes & Kuhner, P.C. Client Trust Account.

11 **IT IS FURTHER ORDERED** that the \$26,833.25 being held by the Trustee pending the
12 resolution of the Burke Motion shall be held by the Trustee and not distributed absent stipulation by
13 and between the Fenton Parties/Jackson Parties and Burke Environmental LLC, or further order from
14 the Court.

15 **IT IS FURTHER ORDERED** that a status conference on the Burke Motion shall be continued
16 to March 16, 2009 at 9:30 a.m.

17 Approved as to form.

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19 Dated: January 28, 2009

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21 By: James Seymour /s/
22 (Bar No. 48651)
Attorneys for Creditor Jennifer M. Moore

23 Dated: January 27, 2009

GOLDBERG, STINNETT, DAVID & LINCHEY

24
25 By: Katherine D. Ray /s/
26 (Bar No. 121002)
27 Attorneys for Trustee E. Lynn Schoenmann
28

1 Dated: January 27, 2009

BARNES & THORNBURG LLP

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4 By: Kevin C. Driscoll /s/
Attorneys for Burke Environment LLC

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6 *****END OF ORDER ***
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COURT SERVICE LIST

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